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HEWLETT-PACKARD COMPANY			EXAMINER	
Intellectual Property Administration			KARDOS, NEIL R	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/763,072

**Applicant(s)**

SHEPPARD, ROBERT F.

**Examiner**

NEIL KARDOS

**Art Unit**

3623

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 16-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

This is a **FINAL** Office Action on the merits in response to communications filed on June 6, 2011. Currently, claims 1-14 and 16-30 are pending and have been examined.

***Affidavits under 37 CFR 1.131***

The affidavits and supporting evidence filed on June 6, 2011 under 37 CFR 1.131 are sufficient to overcome the O'Connor reference (US 2005/0138074). The O'Connor reference was introduced in the final rejection dated January 20, 2011. Accordingly, the finality of that Office Action has been withdrawn, and the current Office Action is made final.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-9, 11, 16-25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gullotta (US 6,985,955) in view of Suorsa (US 2002/0194584).**

Claim 1: Gullotta discloses a server system configured to manage information technology (IT) infrastructure of an enterprise, the server system comprising at least one electronic computing device configured to execute a centralized logistics and management (CLAM) tool operable to, in a capture phase:

- capture and store IT infrastructure information regarding the IT infrastructure of the enterprise (see column 8: lines 42-49; column 11: lines 53-64; column 20: lines 11-39; the reference discloses capturing and storing IT resources);
- define a plurality of roles within the enterprise, each role specifying a particular job function within the enterprise (see column 9: lines 4-55; columns 18-20; the reference discloses defining employee roles);
- assign first items of IT infrastructure to a first role within the enterprise and assign second items of IT infrastructure to a second role within the enterprise, wherein the second items include one or more items of IT infrastructure not included in the first items (see column 9: lines 4-55; columns 18-20; the reference discloses different roles having different IT infrastructure items assigned to them);
- assign the first role to first employees of the enterprise, which assigns the first items of IT infrastructure to the first employees of the enterprise, and assign the second role to second employees of the enterprise, which assigns the second items of IT infrastructure to the second employees of the enterprise, wherein the second employees include one or more employees of the enterprise not included in the first employees (see column 8: lines 59-67; column 9: lines 1-55; columns 18-20; the reference discloses assigning roles and associated IT infrastructure to users);
- in a deployment phase, automatically initiate deployment of the modeled change in the first items of IT infrastructure assigned to the first employees of the enterprise, which includes organization delivery of the modeled change in the first items of IT infrastructure to implement the modeled change in the first items of IT

infrastructure, and automatically initiate deployment of the modeled change in the second items of IT infrastructure assigned to the second employees of the enterprise, which includes organizing delivery of the modeled change in the second items of IT infrastructure to implement the modeled change in the second items of IT infrastructure (see column 8: line 59 through column 9: line 55, particularly column 9: lines 47-55; column 12: lines 34-53; columns 17-22; the reference discloses automatically initiating deployment of changes).

Gullotta does not explicitly disclose in a modeling phase, model a change in the first items of IT infrastructure assigned to the first employees of the enterprise, and model a change in the second items of IT infrastructure assigned to the second employees of the enterprise. However, Gullotta at least suggests this limitation (see column 12: lines 34-44, disclosing determining whether requested changes conform to defined policies; column 20: lines 11-39, disclosing modeling changes by comparing lists of provisioned resources). Suorsa more explicitly discloses this limitation (see paragraph 15, disclosing modeling changes in IT infrastructure before provisioning; paragraphs 55, 56, 68, and 69, disclosing the same). It would have been obvious to one of ordinary skill in the art at the time the invention was made to model the changes of Gullotta before implementing them, as disclosed by Suorsa. One of ordinary skill in the art would have been motivated to do so for the benefit of verifying changes before implementing them (see e.g. Suorsa, paragraphs 15 and 55).

Claim 2: Gullotta discloses wherein the IT infrastructure of the enterprise comprises one or more computer-related facilities, services, and installations used for operations of the

enterprise, comprising one or more of: computer hardware; and computer software (see column 1: lines 43-67; column 3: lines 11-28; column 8: line 59 through column 9: line 46; column 17: line 59 through column 18: line 12; the reference discloses both computer hardware and computer software as IT infrastructure).

Claim 3: Gullotta discloses wherein the capture phase comprises an existing IT assets area for capturing an existing view of IT infrastructure assets of the enterprise, the existing IT assets area comprising one or more of: asset profiles for IT infrastructure assets of the enterprise; employee profiles for employees of the enterprise; location profiles for locations associated with the enterprise; and division profiles for divisions of the enterprise (see column 8: lines 42-49; column 11: lines 53-64; column 20: lines 11-39; the reference discloses IT asset profiles; see also column 9: lines 4-55; columns 18-20; the reference discloses employee profiles).

Claim 4: Gullotta discloses wherein the CLAM tool is further operable to, if a role assigned to a particular employee is changed to a different role, change the items of IT infrastructure associated with the particular employee to reflect the different role (see column 1: lines 62-67).

Claim 5: Gullotta discloses wherein for a particular employee who is assigned one or more roles, the CLAM tool is further operable to assign one or more additional items of IT

infrastructure to the particular employee such that the particular employee receives the one or more additional items of IT infrastructure (see column 1: lines 62-67).

Claim 6: Gullotta discloses wherein the change in the IT infrastructure comprises a technology refresh for one of: a particular employee of the enterprise; a particular group of employees in the enterprise; all employees of a division of the enterprise; and all employees of the enterprise (see column 8: line 59 through column 9: line 55, particularly column 9: lines 47-55; column 12: lines 34-53; columns 17-22; the reference discloses deploying IT changes for individual employees and groups of employees).

Claim 7: Gullotta discloses wherein the change in the IT infrastructure comprises a technology refresh for one or more of: a particular workspace of the enterprise; a work area comprising a plurality of workspaces; a building of an enterprise; and all sites associated of the enterprise (see at least column 19: lines 62-67, disclosing provisioning IT infrastructure for a particular office).

Claim 8: Gullotta discloses wherein the change in the IT infrastructure comprises moving one or more employees between: particular workspaces of the enterprise, work areas of the enterprise, each work area comprising a plurality of workspaces; or buildings of the enterprise (see column 1: lines 53 through column 2: line 10, disclosing provisioning IT resources when moving a user into a new office; column 19: line 62 through column 20: line 31, disclosing similar features).

Claim 9: Gullotta at least suggests wherein the modeling phase comprises modeling a change to the IT infrastructure of the enterprise according to one or more of: network topology considerations; and one or more business rules associated with the enterprise (see column 12: lines 34-44, disclosing determining whether requested changes conform to defined business policies/rules; column 20: lines 11-39, disclosing modeling changes by comparing lists of provisioned resources). Suorsa more explicitly discloses this limitation (see paragraph 15, disclosing modeling changes in IT infrastructure before provisioning; paragraphs 55, 56, 68, and 69, disclosing the same; the reference discloses verifying changes). It would have been obvious to one of ordinary skill in the art at the time the invention was made to model the changes of Gullotta before implementing them, as disclosed by Suorsa. One of ordinary skill in the art would have been motivated to do so for the benefit of verifying changes before implementing them (see e.g. Suorsa, paragraphs 15 and 55).

Claim 11: Gullotta discloses wherein the capture, modeling, and deployment phases are implemented as part of a process for approving, managing, designing, and deploying change requests for changes in the IT infrastructure for collaborating and validating progress of change requests, the process comprising:

- receiving a change request, the change request comprising one or more of a request for a change in the IT infrastructure or a request to resolve a problem associated with the IT infrastructure;



- creating an incident for the change request, the incident enabling the change request to be tracked and monitored;
- determining whether to approve the change request; and
- if the change request is approved:
  - applying one or more business rules to the change request; and
  - initiating deployment of IT infrastructure assets for fulfilling the change request (see column 11: lines 15-53 and column 12: lines 34-53, disclosing all of the above limitations).

Claim 16: Gullotta discloses a database operable to store the IT infrastructure information regarding the IT infrastructure of the enterprise (see column 8: lines 42-49; column 11: lines 53-64; column 20: lines 11-39; the reference discloses capturing and storing IT resources).

Claims 17-25 and 27: Claims 17-25 and 27 are substantially similar to claims 1-9 and 11, and are rejected under similar rationale.

**Claims 10, 12-14, 26, and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gullotta (US 6,985,955) in view of Suorsa (US 2002/0194584), and further in view of Mir (US 6,938,081).**

Claim 10: Gullotta does not explicitly disclose wherein the deployment phase comprises user acceptance testing to determine whether one or more deployed changes in the IT

infrastructure of the enterprise was successful and, if the changes were not successful, initiating a process to correct problems. Mir discloses this limitation (see figure 1; column 4: lines 54-67; column 6: lines 10-20; column 10: lines 52-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to determine whether the changes of Gullotta were successful and correcting problems, as disclosed by Mir. One of ordinary skill in the art would have been motivated to do so for the benefit of efficiencies associated with correcting problems.

Claim 12: Gullotta does not explicitly disclose wherein the process further comprises a scheduling procedure for scheduling deployment of the IT infrastructure assets for fulfilling the change request, the scheduling procedure comprising creating one or more milestones for delivery of the IT infrastructure assets for fulfilling the change request. Mir discloses these limitations (see column 4: lines 32-52, disclosing scheduling; column 8: lines 10-48, disclosing scheduling; column 9: lines 41-47, disclosing milestones; column 10: lines 25-33, disclosing milestones; column 12: lines 31-54, disclosing scheduling and milestones). It would have been obvious to one of ordinary skill in the art at the time the invention was made to schedule the IT infrastructure changes of Gullotta, as disclosed by Mir. One of ordinary skill in the art would have been motivated to do so for the benefit of efficiencies gained by scheduling IT infrastructure changes at a time when they will be least disruptive.

Claim 13: Gullotta does not explicitly disclose wherein the CLAM tool is further operable to if a particular milestone is not met, notify one or more appropriate individuals that

the milestone was not met (see column 9: lines 41-47, disclosing milestones; column 10: lines 25-33, disclosing milestones; column 12: lines 31-54, disclosing scheduling and milestones). It would have been obvious to one of ordinary skill in the art at the time the invention was made to notify individuals of unmet milestones in implementing the IT infrastructure changes of Gullotta, as disclosed by Mir. One of ordinary skill in the art would have been motivated to do so for the benefit of efficiencies gained by insuring that scheduled changes are on track.

Claim 14: Gullotta does not explicitly disclose one or more follow-up procedures for determining whether the IT infrastructure assets for fulfilling the change request were properly deployed and, if the IT infrastructure assets were not properly deployed, creating a new incident for resolving problems associated with the deployment of IT infrastructure assets. Mir discloses this limitation (see figure 1; column 4: lines 54-67; column 6: lines 10-20; column 10: lines 52-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to determine whether the changes of Gullotta were successful and correcting problems, as disclosed by Mir. One of ordinary skill in the art would have been motivated to do so for the benefit of efficiencies associated with correcting problems.

Claims 26 and 28-30: Claims 26 and 28-30 are substantially similar to claims 10 and 12-14, and are rejected under similar rationale.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ramachandran (US 7,409,463), directed to on-demand active role-based software provisioning
- Vellante (US 2002/0069102), directed to assessing and quantifying the business value of information technology
- Gallanis (US 2004/0220792), directed to performance modeling for information systems
- Buteau (US 6,442,557), directed to evaluation of enterprise architecture model including relational database
- Hellerstein (US 2002/0129356), directed to service and role-based software distribution

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEIL KARDOS whose telephone number is (571)270-3443. The examiner can normally be reached on Monday through Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neil R. Kardos  
Examiner  
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